

## TITLE 28

### Sports and Amusements

#### CHAPTER 18. NO LIMIT TEXAS HOLD'EM POKER

##### § 1801. Legislative Intent.

The General Assembly hereby declares that the play of No Limit Texas Hold'em Poker for the purpose of raising funds, by certain nonprofit organizations, for the promotion of charitable or civic purposes, is in the public interest. It is hereby declared to be the policy of the General Assembly that all phases of licensing, operation and regulation of No Limit Texas Hold'em Poker be strictly controlled, and that all laws and regulations with respect thereto as well as all gambling laws should be strictly construed and rigidly enforced by the Delaware Gaming Control Board, its agents or law enforcement. (75 Del. Laws, c. 117, § 1.)

##### § 1802. Definitions for No Limit Texas Hold'em Poker.

The following definitions apply to all the rules of No Limit Texas Hold'em Poker:

(1) "Add on" means when a player is allowed to purchase additional chips at a predetermined fee as long as the player has a predetermined amount of chips on the table.

(1) "Ante" means a predetermined contribution to the pot before the first card of the game is dealt.

(2) "All-in" means a player wagers all of that player's remaining chips to the pot.

(3) "Bet" means a player's wager to the pot on any betting round.

(4) "Bet or fold" means the requirement that a player place a wager (i.e., bet) or fold that player's hand.

(5) "Big blind" means the forced bet that is made by the person sitting 2 seats to the left of the button. This is the largest forced bet.

(6) "Blind" means a required bet made before any cards are dealt.

(7) "Blind position" means the player to the left of the button.

(9) "Bookkeeper or Treasurer" means anyone who counts currency, checks, credit and debit card transactions, prepares banking deposit slips, makes deposit of receipts to a financial institution, posts receipts to a ledger, or reconciles an entity's financial statements.

(8) "Burn" means to place a card down prior to dealing the flop, turn and river.

(9) "Button" means an object which is moved clockwise around the table to denote an imaginary dealer.

(10) "Buy-in" means a purchase of chips by a player prior to play.

(11) "Call" means a bet made equal in amount to the immediately preceding bet.

(12) "Check" means to waive the right to initiate the betting in a round, but to retain the right to call or raise.

(13) "Check and raise" means a raise after a player first checked in a round.

(14) "Chips" means small tokens or disks used to place bets.

(15) "Community cards" means cards dealt or turned face upward which can be used by all players with a live hand to make their best hand.

(16) "Deal" means the distribution of playing cards among the players.

(17) "Dealer" means the person at each table who deals, burns, shuffles and cuts the cards or operates the shuffling device.

(18) "Defective deck" means a deck that is found to have other than the proper cards or number of cards for the game being played or is otherwise found to have a card that is taped, cut, shaved, marked, defaced, bent, crimped or deformed.

(19) "Flop" means the first 3 community cards dealt or turned face up at one time.

(20) "Fold" means to discard a hand, forfeiting claim to the pot.

(21) "Hand" means, 1 deal, the cards held by a player, or the best cards a player is holding.

(22) "House rules" means the sponsoring organization set of rules, consistent with this title, governing the operation of the No Limit Texas Hold'em Poker tournament.

(23) "Misdeal" means to deal a hand of poker incorrectly.

(24) "Muck" means discards, burn cards and cards from the unused remainder of the deck of cards.

(25) "Opener" means the player who makes the first bet in any round.

(26) "Pot" means the total amount anted and bet by players during a game which is awarded to the winning player or players.

~~((27) "Re-buy" means when a player is allowed to purchase additional chips at a predetermined fee as long as the player has a predetermined amount of chips on the table.~~

(28) "Round" means a cycle of bets made by the players following the deal of the cards.

(29) "Showdown" means the revealing of each player's hand after the last bet to determine the winner or winners of the pot.

(30) "Shuffling device" means a device which shuffles the cards.

(31) "Small blind" means the forced bet that is made by the person sitting one seat to the left of the button. This bet is half the size of the big blind.

(32) "Sponsoring organization" means any veterans', religious or charitable organization, volunteer fire company or fraternal society as defined in § 17A or § 17B, article II of the Constitution of this State.

(33) "Stake" means the funds with which a player enters the game.

(34) "Third party vendor" means a company or business that contracts with the sponsoring organization to provide the necessary services and/or equipment to conduct a No Limit Texas Hold'em Poker tournament.

(35) "Tournament" means a contest involving a number of contestants who compete in a series of elimination No Limit Texas Hold'em Poker games. (75 Del. Laws, c. 117, § 1; 70 Del. Laws., c. 186, § 1.)

**§ 1803. Who may conduct No Limit Texas Hold'em Poker tournaments; control and supervision.**

(a) The game of No Limit Texas Hold'em Poker shall be conducted only by sponsoring organizations and shall be permitted and conducted according to the rules contained in this chapter and any regulations regarding the licensing of the sponsoring organization as contained in Chapter 11 of this title. A No Limit Texas Hold'em Poker tournament may be conducted by only one sponsoring organization; no 2 or more sponsoring organizations may jointly conduct a single tournament.

(b) The rules contained in this chapter shall be followed by sponsoring organizations, licensed third party vendors and by all persons participating in any game of No Limit Texas Hold'em Poker.

(c) The Delaware Gaming Control Board shall supervise the administration of this chapter. There shall be a license fee of \$250 for each occasion upon which the sponsoring organization wishes to conduct a No Limit Texas Hold'em Poker tournament under a license. The Board shall also take measures to assure that a No Limit Texas Hold'em Poker tournament shall be fairly and properly conducted for the purposes and in the manner prescribed in the state Constitution and in this chapter. The Board shall prevent a No Limit Texas Hold'em Poker tournament from being conducted for commercial purposes or private profit other than as authorized in the state Constitution and in this chapter. In order to provide uniformity in the administration of this chapter, the Board shall prescribe forms of application for licenses, establishment of fees, amendment of licenses, reports of the conduct of No Limit Texas Hold'em Poker tournaments and other matters incident to the administration of this chapter. (75 Del. Laws, c. 117, § 1.)

#### **§ 1804. No Limit Texas Hold'em Poker tournament rules.**

(a) Deal. --

(1) When a table is opened for play, the deck of cards in a game of No Limit Texas Hold'em Poker must be verified by the dealer as 1 new sealed complete standard deck of 52 cards. The design on the backs of the cards in the deck must be identical, and no card may contain any marking, symbol, or design that enables a player to know the identity of any element printed on the face of the card. The backs of the cards may contain a logo. The backs of the cards in the deck must be designed to eliminate the ability of any person to place concealed markings on them. No sponsoring organization may use cards that are taped, cut, shaved, marked, defaced, bent, crimped, or deformed. All jokers are to be discarded from the deck of cards.

(2) No Limit Texas Hold'em Poker cards are dealt by a dealer on a poker table. The dealer must protect the deck to avoid exposure of the cards (hands). A player bets on the cards (hand) the player holds. All the bets placed by the players are collected together in the center of the table which is known as the pot. There may be a required initial ante and there may be required blind bets by

the players. After all the dealing of cards and betting has occurred for a pot and there are 2 or more players still in contention, there is a showdown to determine which player has the best hand. The object of the game is for a player to win the pot either by making a bet no other player is willing to match or by the player having the most valuable hand after all the betting is over. The winning player shall be the player who holds the hand of highest rank.

(3) The dealer shall deal 2 cards to each player, face downward and 1 at a time. The first player to receive a card is the player to the left of the player who has the button. A button shall be moved around the table, clockwise, so that the player who has the button receives the advantage. The last player to receive cards is the player assigned the button. Play must proceed in a clockwise direction with each player's turn following the person on the player's immediate right. After all players have received their 2 cards, there is a betting round. The player to the left of the last blind bettor may call, raise, or fold and each following player may call, raise, or fold in a clockwise order.

(4) The dealer burns the top card of the deck and deals 3 community cards from the deck 1 at a time face downward and turns them face upward all at once in the center of the table. Community cards are common to the hand of every active player in the pot.

(5) After the flop, the betting continues for another round. The first player still in the pot sitting left of the player assigned the button is the first to act and then each player in a clockwise order may act in turn until all bets are equal. Any player may call, check, raise, or fold in accordance with the house rules.

(6) The dealer burns a card and deals a fourth community card, known as the turn card, face upward in the center of the table. Another round occurs. The dealer then burns a card and deals a fifth community card, known as the river card, face upward in the center of the table for the final round.

(7) After all bets are made and if there are 2 or more players remaining in the game, there is a showdown and in No Limit Texas Hold'em Poker, the best qualifying high hand wins the pot.

(8) The 5 community cards shall be combined with none, 1, or 2 cards from each player to determine the player's best 5 card hand.

(9) There is no limit as to the amount a player can raise or bet during any round. At any time following the first deal, a player can go all-in.

(b) Conduct. --

The following rules shall apply to all No Limit Texas Hold'em Poker tournament play and must be included in the printed rules for each tournament:

(1) All players will receive an equal number of tournament chips for their entry fee and any subsequent ~~add ons~~re-buys.

(2) Initial table and seat assignments shall be determined by random draw or assignment. As tables are combined following player elimination, the remaining players shall also draw or be reassigned to new seating assignments.

(3) Players are eliminated from the tournament when they lose all their chips.

(4) Play will continue until only 1 player has not been eliminated.

(5) No agreement concerning division of prizes shall be made.

(6) The sponsoring organization shall have 2 separate decks of cards available at each table. The color or markings of the backs of the cards of the 2 decks must be different.

(7) All cards used to play No Limit Texas Hold'em Poker must be dealt out of the hand by the dealer.

(8) The dealer, at least once each hour, shall count the cards in the deck to verify that the deck is complete. The dealer, at least once every 2 hours, shall change the deck of cards. When the 2 separate decks of cards at the table have been used, the sponsoring organization or licensed third party vendor dealer shall replace the used decks with a new set of 2 separate decks of cards.

(9) All pots are to be awarded by the dealer only. When the dealer has awarded a pot and it has been taken in by that player without a claim made against it, the award stands. No player may make an agreement with any other player regarding the pot. Each game must be played to conclusion and the pot awarded to the actual winning player.

(10) Each player shall be permitted to play only 1 hand and the player shall make all decisions without advice from any other person. Any communication between a player with a live hand and a spectator about the play of the hand or other players at the table is prohibited.

(11) No player may allow a person to sit in on a tournament game on the player's behalf. No player may wager on another player's hand, nor may any player play other than the player's own hand. No player may exchange or otherwise transfer their chips to any other player during the tournament.

(12) No player shall have a camera, cell phone with camera or recording device at the poker table.

(13) Only tournament chips on the table at the start of a game may be in play for that pot. Concealed chips may not be used in play.

(14) A player may assemble chips in front of the player before acting. A player must be considered to have made a bet if the player pushes assembled chips forward or releases chips into the pot at a sufficient distance from the player to make it obvious that the player intends it as a bet. If the situation is unclear and the player allows the dealer to pull the player's chips into the pot without making an immediate objection, it must be considered a bet by the player.

(15) If a player is absent from the table they will be dealt in and all antes, forced bets and blinds will be posted as required. A player's hand will be immediately declared dead if the player is not in the player's seat when it is the player's turn to act. (75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1.)

#### **§ 1805. Ranking of cards in hand.**

The cards are ranked ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. A No Limit Texas Hold'em Poker hand in a showdown shall consist of 5 cards, ranked according to the following from highest to lowest:

(1) Straight flush. -- Five cards of the same suit in sequence; an ace-high straight flush is a "royal flush";

(2) Four of a kind. -- Four cards of the same rank;

(3) Full House. -- Three cards of the same rank and 2 cards of 1 other rank;

(4) Flush. -- Five cards of the same suit;

(5) Straight. -- Five cards in sequence;

(6) Three of a kind. -- Three cards of the same rank;

(7) Two pair. -- Two cards of the same rank and 2 cards of 1 other rank;

(8) One pair. -- Two cards of the same rank; and

(9) High card. -- The highest ranking card in the hand. (75 Del. Laws, c. 117, § 1.)

#### **§ 1806. Tie.**

Ties shall be broken and/or resolved according to house rules. (75 Del. Laws, c. 117, § 1.)

**§ 1807. Sponsoring organization to provide dealer.**

The sponsoring organization must provide the dealer, which may be provided by a licensed third party vendor. The dealer shall not play, make a bet or otherwise wager on a No Limit Texas Hold'em Poker game. (75 Del. Laws, c. 117, § 1.)

**§ 1808. Ante.**

Each individual player must ante by placing chips equaling the ante in front of the player on the table before the first card of the game is dealt. The dealer must sweep the antes and place them in the pot. Once the first card is dealt to any player, the ante may not be altered, except that if a player's hand is declared dead for reasons other than the player's fault, the ante may be returned to such player. (75 Del. Laws, c. 117, § 1.)

**§ 1809. Shuffling device.**

(a) If appropriate to the play of an approved No Limit Texas Hold'em Poker game, a mechanical shuffling device may be used to dispense each player's cards, and/or the community cards, as a group, to the dealer. The dealer shall then deal an intact group of cards from the shuffling device to each player, and/or to the community card area, as specified by this chapter.

(b) If appropriate to the play of an approved No Limit Texas Hold'em Poker game, an approved electronic shuffling device may be used to deal each player's cards, and/or the community cards, as a group, to the dealer. The dealer shall then deal an intact group of cards from the shuffling device to each player, and/or to the community card area, as specified by this chapter. (75 Del. Laws, c. 117, § 1.)

**§ 1810. Protection of hands.**

A player shall protect a held hand by holding onto it above the table or by placing 1 or more chips on it. A protected hand may not be ruled dead by accidental contact with discards unless it is impossible to reconstruct completely. A player who has a protected hand taken in by the dealer or fouled by discards through no fault of the player is entitled to a refund of all of the chips the player put in the pot in that game. (75 Del. Laws, c. 117, § 1.)

**§ 1811. Misdeal.**



(a) A card that is meant to be dealt face downward but is dealt face upward or flashed as it is dealt so that a player might know its identify or a card that is dealt off the table is dead. An exposed card meant to be dealt face downward must be replaced.

(b) In No Limit Texas Hold'em Poker games, if the flop is dealt prematurely or contains too many cards, the community cards are mixed with the remainder of the deck, which is then reshuffled, cut by the dealer and a new flop is dealt without burning a card. If the fourth community card is dealt prematurely, it is taken out of play for that round. The dealer will burn and turn what would have been the fifth community card in its place. After betting is completed, the dealer will place the premature fourth community card in the remainder of the deck, which is then reshuffled, cut by the dealer who then burns and deals the final community card. If the premature card is dealt on the fifth card, the deck is reshuffled and dealt in the same manner.

(c) A misdeal causes all of the cards to be returned to the dealer for a redeal. A misdeal may not be called once action has occurred. (75 Del. Laws, c. 117, § 1.)

#### **§ 1812. Burned cards.**

If the dealer burns a card, it must be kept separate from the muck until all cards have been dealt. If the dealer burns a card and is unable to deal immediately, the dealer may place the burned card back on top of the deck. (75 Del. Laws, c. 117, § 1.)

#### **§ 1813. Required statements when betting.**

A player may substitute a gesture for a verbal statement of the player's action. The dealer must announce it, and the player must correct the dealer before any further action takes place. A player may verbally state an action as "check," "call," "raise," or "fold." If a player bets but announces a fold, the player has a dead hand. A statement by a player of "call" or "raise," "check" or "fold," or of a specific bet is binding. A player who states a certain amount but puts a different value of chips into the pot must correct the bets to the stated amount. The dealer must insure all bets are as stated by the player. Players, who make a bet, decide incorrectly that they have no live hand against the play, and fold their hand, lose the pot unless their hand is declared retrievable by the dealer. (75 Del. Laws, c. 117, § 1.)

#### **§ 1814. Call procedure.**

(a) Players who unintentionally put fewer chips into the pot than are needed to call must complete the call or withdraw the partial bet in full. If action has taken place, the player is responsible for completing such player's bet, even if the player might have been unaware of the raise. Players may assemble chips in front

of them before acting. A player makes a bet if such player pushes assembled chips forward or releases chips into the pot at a sufficient distance from the player to make it obvious that the intent is to bet. If the situation is unclear and a player allows the dealer to pull the player's chips into the pot without making an immediate objection, it is a bet. A player must place the entire bet in front of the player at one time. Unless a player has placed the amount of chips required to call a bet and to signify a raise, the player may not place additional chips for a raise.

(b) If a player calls but places a value of chips into the pot that is larger than the bet, it must be regarded as a call unless the player announces a raise. The player may clarify an apparent call as a raise only if no other player behind such player has placed chips into the pot or announced a call or raise. (75 Del. Laws, c. 117, § 1.)

#### **§ 1815. Showdown.**

(a) If 2 or more players remain in the pot after all of the cards have been dealt and the betting is over for that hand, the remaining players show their cards to determine which player has the best hand and wins the pot.

(b) The following provisions govern showdown:

(1) A hand with too many or too few cards for that game is dead.

(2) A hand is ranked according to the actual cards it contains. The cards speak for themselves when exposed and laid face up on the table.

(3) A hand that is prematurely discarded by a player and touches the discarded cards is dead.

(4) A verbal concession of a losing hand is not binding.

(5) Players who leave the table concede the pot and have a dead hand.

(6) A hand discarded by the dealer without objection is dead. (75 Del. Laws, c. 117, § 1.)

#### **§ 1816. Review of hands at showdown.**

At the conclusion of the round, a player shall place the player's hand face upward on the table at the showdown as follows:

(1) If there has been a bet on the final round, the player who made the bet must show first;

(2) If there have been 1 or more raises on the final round, the player who last raised must show first;

(3) If the final round has been checked by all the players, the player who acted first must show first;

(4) The subsequent order of showing hands is clockwise around the table from the player who must show first; and

(5) A player may choose to discard a hand without showing it. (75 Del. Laws, c. 117, § 1.)

#### **§ 1817. Award of pot.**

Pots may only be awarded by the dealer. When the dealer has awarded a pot and it has been taken in by a player without a claim against it, the award stands. Any such claim shall be made before the objecting player's cards are mucked. No player may make an agreement with any other player regarding the pot. A hand must be played to conclusion and the pot awarded to the winning player or players. (75 Del. Laws, c. 117, § 1.)

#### **§ 1818. Odd chips in ties.**

If a pot that is split by having tied hands at the showdown has an odd chip, the chip is awarded to the first live player to the left of the button. (75 Del. Laws, c. 117, § 1.)

#### **§ 1819. Use of defective deck.**

If a defective deck is used, all chips in the pot must be returned to the players in the amount each contributed. Players who know the deck was defective and attempt to win the pot by a bet are not entitled to their chips in the pot. Such chips must remain in the pot as forfeited for the next game. A player who won a pot is entitled to keep it, even though the deck is subsequently found to be defective. No sponsoring organization or licensed third party vendor shall use a deck which it knows or reasonably should have known to be defective. The cards in the deck shall be counted within 30 minutes of play, at a minimum. (75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1.)

#### **§ 1820. Faced card.**

If a card is improperly faced in the deck, it must be treated as a dead card and replaced by the next card below it in the deck. (75 Del. Laws, c. 117, § 1.)

#### **§ 1821. Time limit.**

The sponsoring organization may place a maximum time limit for players to act on their hands. At the end of the time limit, if the players have not bet, they must check. If there has been a bet to a player, the player's hand is dead. The dealer must provide warning to the player before the expiration of the time limit. (75 Del. Laws, c. 117, § 1.)

**§ 1822. Posting of rules.**

(a) Posted sponsoring organization rules shall be clear and legible and placed in a conspicuous and conveniently accessible location available to all players in the No Limit Texas Hold'em Poker tournament room. Rules posted and the place of posting must be approved by the sponsoring organization. Printed copies of sponsoring organization rules must be provided to players upon request. Any other rules besides the rules stated in this chapter shall be developed by the sponsoring organization. The sponsoring organization rules shall make reference to the Delaware Council on Gambling Problems, Inc., helpline phone number 888-850-8888.

(b) The sponsoring organization shall post in a conspicuous manner the Delaware Council on Gambling Problems, Inc., helpline phone number, which currently is 888-850-8888, and may display in a prominent manner materials provided by the Delaware Council on Gambling Problems, Inc. (75 Del. Laws, c. 117, § 1.)

**§ 1823. Maximum number of players.**

The maximum number of players in a No Limit Texas Hold'em Poker tournament shall be set by the sponsoring organization, but in no instance shall exceed the room occupancy established by the Delaware or Municipal Fire Marshal for the room in which the No Limit Texas Hold'em Poker tournament takes place. (75 Del. Laws, c. 117, § 1.)

**§ 1824. Tournament chips required.**

All wagers must be made with approved tournament chips provided by the sponsoring organization or licensed third party vendors. No currency, chips other than tournament chips, or other thing of value may be used as wagers. No person may introduce into any No Limit Texas Hold'em Poker game any playing card that was not obtained through the current deal of the cards by the sponsoring organization's dealer, or any poker chip other than those obtained from the sponsoring organization where the No Limit Texas Hold'em Poker game is being held. Tournament chips shall have no cash value, and shall represent tournament points only. There shall be no limitation of the size of a wager made with tournament chips. Tournament chips may never be redeemed for cash or for any other thing of value, except that the point total represented by the players' accumulations of tournament chips shall be used to determine the winners and/or

final place in a tournament. If the tournament chips in play are not imprinted with a number representing the actual number of points or units of credit which the chip represents, each tournament table must display a notice visible to all players which describes the currently assigned point or credit value to each different color of chip. The point value assigned to each color chip may change between rounds of tournament play, but the required notice must always reflect the current values. (75 Del. Laws, c. 117, § 1.)

#### **§ 1825. Entry fee.**

The amount of the tournament entry fee shall not exceed \$150. In exchange for the entry fee, a player shall receive a predetermined number of chips from the sponsoring organization. A player shall be allowed 2 ~~add ons~~ ~~re-buys~~ per tournament event and the ~~add ons~~~~re-buys~~ must be in the first 3 hours of the tournament. Each ~~add on~~~~re-buy~~ fee shall not exceed \$25 and shall contain a predetermined number of chips. The sponsoring organization or licensed third party vendor shall supply wristbands to all tournament players who pay the tournament entry fee. Wristbands shall stay on the player the entire tournament. When ~~an add on~~~~re-buy~~ occurs, it shall be indicated on the wristband by the sponsoring organization with some kind of predetermined marking. (75 Del. Laws, c. 117, § 1.)

#### **§ 1826. House Rules for Texas Hold'em Poker tournament play.**

Printed house rules for the Texas Hold'em Poker tournament shall include:

- (1) The standard rules of play of each game as set forth in this chapter.
- (2) The amount of the entry fee. The rules must also expressly state whether or not ~~add ons~~~~re-buys~~ will be permitted, and if permitted, under what circumstances or conditions.
- (3) The initial amount of all antes and blind bets and a description of the manner in which the amount of antes and blinds will increase during the progress of the Texas Hold'em Poker tournament.
- (4) How the final round of play is to be determined and how the Texas Hold'em Poker tournament is to be concluded.
- (5) How many prizes are to be awarded and the exact description of each prize. (75 Del. Laws, c. 117, § 1.)

#### **§ 1827. Limitations of Texas Hold'em Poker tournaments.**

No sponsoring organization shall conduct more than 4 No Limit Texas Hold'em Poker tournaments per calendar year with each tournament by the

sponsoring organization to be held at least 75 days apart. Texas Hold'em Poker tournaments shall not commence prior to 1:30 p.m. and shall be limited to 6 consecutive hours. (75 Del. Laws, c. 117, § 1.)

**§ 1828. Prize amount.**

No prize greater in amount or value than \$~~52~~,000 shall be offered or given in any single tournament and the aggregate amount or value of all prizes offered or given in any single tournament shall not exceed \$~~128~~,000. (75 Del. Laws, c. 117, § 1.)

**§ 1829. Alcoholic beverages.**

Alcoholic beverages shall be allowed to be sold and/or distributed at a No Limit Texas Hold'em Poker tournament pursuant to the Delaware Liquor Control Act. (75 Del. Laws, c. 117, § 1.)

**§ 1830. No Limit Hold'em Poker tournament director.**

(a) A sponsoring organization shall appoint a tournament director for each No Limit Texas Hold'em Poker tournament. Nothing shall preclude the sponsoring organization from having a member of the licensed third party vendor as tournament director.

(b) The No Limit Texas Hold'em Poker tournament director shall be the final arbitrator of all disputes that occur during that tournament. (75 Del. Laws, c. 117, § 1.)

**§ 1831. Age.**

No person under the age of 21 years shall be permitted to participate in the No Limit Texas Hold'em Poker tournament or be permitted on that portion of the premises used for a tournament. (75 Del. Laws, c. 117, § 1.)

**§ 1832. General licensing requirements.**

(a) All employees, principals, owners and contractors of third party vendors involved in conducting a No Limit Texas Hold'em Poker tournament shall be licensed. Only members of the sponsoring organization who are serving as dealers, bookkeepers or treasurers as defined in § 1802 of this title, or as the tournament director, as discussed in § 1830 of this title, for that No Limit Texas Hold'em Poker tournament shall be licensed. The license applicant will contact the State Bureau of Identification to make arrangements for fingerprint processing. An applicant must complete a fingerprint card and form with the necessary personal information and sign an Authorization for Release of Information form to release criminal history to the Division of Professional

Regulation and the Delaware Gaming Control Board. At the time of processing, the applicant must show proof of official identification to complete the criminal history request. A fee is required to be paid for state and federal processing of fingerprint cards and criminal history records. The fee is set by the State Bureau of Identification, and the applicant is to make that payment directly to that agency. Certified copies of the criminal history record will be forwarded to the Division of Professional Regulation. The State Bureau of Identification shall act as the intermediary for the receipt of the federal criminal history record checks performed by the Federal Bureau of Investigation. The State Bureau of Identification shall forward the results of these federal record checks to the attention of the Division of Professional Regulation, along with the results of a report of the individual's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Bureau of Identification Central Repository contains no such information relating to that person, in a confidential manner. The Division of Professional Regulation will provide that individual applicant with a copy of the criminal history records. The applicant shall have the opportunity to respond to the Division of Professional Regulation regarding any information obtained prior to a determination of suitability for licensure. Such a response shall be made within 10 days of the person's receipt of the criminal background information from the Division of Professional Regulation.

(b) Investigators assigned to the Division of Professional Regulation will conduct an investigation to determine the suitability of the applicant. The investigator will provide his recommendation of suitability of each applicant to the Delaware Gaming Control Board. [The Division of Professional Regulation investigators may access the state and federal criminal records databases not less than annually for the purpose of reviewing the criminal history of any individual licensee.](#)

(c) In making the determination of suitability for licensure, the Delaware Gaming Control Board shall consider the background of each individual applicant. The licensure requirement shall include the satisfaction of such security, fitness and background standards as the Delaware Gaming Control Board may deem necessary relating to competence, honesty and integrity, such that a person's reputation, habits and associations do not pose a threat to the public interest of the State or to the reputation of or effective regulation and control of No Limit Texas Hold'em Poker tournaments. It is specifically provided that any person convicted of any felony, a crime involving gambling, or a crime of moral turpitude within 10 years prior to applying for a license or any time thereafter shall be deemed unfit. The Delaware Gaming Control Board shall also consider the applicant's truthfulness in disclosing requested information, particularly the applicant's criminal history.

(d) The Delaware Gaming Control Board shall communicate the results of the determination of suitability in writing to the license applicant within 60 days of

receipt of the criminal history information, unless extenuating circumstances require a longer period. If the Delaware Gaming Control Board determines that an applicant has satisfied the licensing requirements set forth above, the applicant will be issued a No Limit Texas Hold'em Poker license. If a determination is made to deny a person licensure, the person shall have an opportunity to appeal for reconsideration as set forth below:

(1) Appeal shall be initiated by a person notified that the person is being denied a license pursuant to this chapter by submitting a request for a hearing to the Delaware Gaming Control Board within 10 days of receipt of the written notice.

(2) The appeal shall be reviewed by the Delaware Gaming Control Board and the person shall be given the opportunity to be heard by the Delaware Gaming Control Board within 60 days of receipt of the letter of appeal, unless extenuating circumstances require a longer period. Any hearing will be pursuant to the procedures set forth by the Delaware Gaming Control Board.

(3) A written decision shall be rendered by the Delaware Gaming Control Board within 60 days of the hearing, unless extenuating circumstances require a longer period. All decisions made by the Delaware Gaming Control Board under this appeal procedure are final.

(4) A person determined to be unsuitable for licensure pursuant to this procedure shall be prohibited from reapplying for licensure for a period of 12 months.

(e) All records pertaining to criminal background checks and suitability determinations of applicants for licensure shall be maintained in a confidential manner including, but not limited to, the following:

(1) Access to criminal background check records, letters of reference accompanying out-of-state criminal background checks and determination of suitability of applicants shall be limited to the Delaware Gaming Control Board and designated personnel in the Division of Professional Regulation;

(2) All such records shall be kept in locked cabinets; and

(3) No information from such records shall be released without the signed release of the individual applicant.

(f) All records pertaining to criminal background checks and suitability determinations of applicants for licensure and Delaware Gaming Control Board meetings to make suitability determinations shall not be subject to the Delaware Freedom of Information Act, Chapter 100 of Title 29. (75 Del. Laws, c. 117, § 1; 70 Del. Laws, c. 186, § 1.)



### § 1833. License enforcement.

(a) ~~Any person~~~~A licensee~~ who violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a license issued pursuant to § 1832 of this title, or any administrative order issued pursuant to this chapter, or who is involved in any way in a ~~poker game~~~~No Limit Texas Hold'em tournament~~ not licensed by the Delaware Gaming Control Board, shall be punishable as follows and in addition to any criminal penalties that may result from such violation:

(1) In the discretion of the Delaware Gaming Control Board, the Delaware Gaming Control Board may impose an administrative penalty of not more than \$1,000 for each violation. Each day of continued violation shall be considered as a separate violation if the violator has knowledge of the facts constituting the violation and knows or should know that such facts constitute or may constitute a violation. Lack of knowledge regarding such facts or violation shall not be a defense to a continued violation with respect to the first day of its occurrence. Prior to the assessment of an administrative penalty, written notice of the Delaware Gaming Control Board's proposal to impose such penalty shall be given to the violator, and the violator shall have 30 days from receipt of such notice to request a public hearing. Any public hearing, if requested, shall be held prior to the imposition of the penalty and shall be governed by § 10125 of Title 29. If no hearing is timely requested, the proposed penalty shall become final and shall be paid no later than 60 days from receipt of the notice of the proposed penalty. Assessment of an administrative penalty shall take into account the circumstances, nature and gravity of the violation, as well as any prior history of violations, the degree of culpability, the economic benefit to the violator resulting from the violation, any economic loss to the public and such other matters as justice may require. In the event of nonpayment of an administrative penalty, within 30 days after all legal appeal rights have been waived or otherwise exhausted, a civil action may be brought by the Delaware Gaming Control Board in Superior Court for the collection of the penalty, and for interest, from the date payment was due, attorneys' fees and other legal costs and expenses. The validity or amount of such administrative penalty shall not be subject to review in an action to collect the penalty. Any penalty imposed after a public hearing is held pursuant to this subsection shall be appealable to the Superior Court and such appeal shall be governed by § 10142 of Title 29.

(2) In the discretion of the Delaware Gaming Control Board, the Delaware Gaming Control Board may endeavor to obtain compliance with requirements of this chapter by written administrative order. Such order shall be provided to the responsible party, shall specify the complaint, and propose a time for correction of the violation. It may also provide an opportunity for a public hearing at which the Delaware Gaming Control Board shall hear and consider any submission relevant to the violation, corrective action or the deadline for correcting the violation.

(3) Any interest, costs or expense collected under this section shall be appropriated to the Division of Professional Regulation to carry out the purposes of the Delaware Gaming Control Board.

(b) Every license issued by the Delaware Gaming Control Board shall bear thereon the distinguishing number assigned to the licensee and shall contain the name and photograph of the licensee. A fee of \$15 shall be paid to the Division of Professional Regulation for each individual license.

(c) All licenses will be the property of the Delaware Gaming Control Board and shall be returned to the Delaware Gaming Control Board if the person's license is suspended or revoked pursuant to this section.

(d) All licenses will prominently display their license while on duty or acting in their official capacity at a No Limit Texas Hold'em Poker tournament. (75 Del. Laws, c. 117, § 1.)

#### **§ 1834. License renewal.**

(a) Each individual applicant's license shall expire and be renewable every 3 years. Thirty days prior to expiration, each licensee shall contact the Division of Professional Regulation and submit a new and updated license application form for a background investigation. The background investigation will follow the procedures set forth in § 1832 of this title.

(b) Any person licensed under this chapter or any person who has submitted a license application shall notify the Division of Professional Regulation no later than 3 days after arrest for any crime (excluding minor traffic violations). The Division of Professional Regulation will then forward such notification to the Delaware Gaming Control Board. This subsequent criminal history information shall be used by the Delaware Gaming Control Board in making a determination about the person's continued suitability as a licensee. (75 Del. Laws, c. 117, § 1.)

#### **§ 1835. Licensed third party vendors.**

(a) Sponsoring organizations shall be allowed to use licensed third party vendors to supply equipment and dealers for No Limit Texas Hold'em Poker.

(b) Sponsoring organizations shall contract with the licensed third party vendors with terms to be worked out between the parties. However, no licensed third party vendor shall receive a gross aggregate compensation based on a percentage of what the sponsoring organization receives in entry fees and add on-site buys for that specific tournament. (75 Del. Laws, c. 117, § 1.)